



December 15, 2009

Mr. Philip Allen (6SF-AP)  
Remedial Project Manager  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2773

Dear Mr. Allen:

Attached please find a summary Progress Report for December 2008. This report was prepared on behalf of the Patrick Bayou Joint Defense Group, the Respondents to the Administrative Settlement Agreement and Order on Consent for the Patrick Bayou Superfund Site in Deer Park, TX. Should you have any questions, please call me at 919-435-0934 or e-mail me at [bobp@projectnavigator.com](mailto:bobp@projectnavigator.com).

Sincerely,

*s/R Piniewski*

Robert Piniewski  
Project Coordinator

Attachment

cc: Maureen Hatfield – TCEQ  
Joe Bell - TCEQ  
Jessica White - NOAA  
Patrick Bayou Joint Defense Group

**Monthly Progress Report for December 2008**  
**Submitted January 15, 2009**  
**Patrick Bayou Superfund Site**  
**Deer Park, Texas**

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The Administrative Settlement Agreement and Order on Consent (AOC) for the Remedial Investigation/Feasibility Study (RI/FS) at the Patrick Bayou Superfund Site (Site) in Deer Park, Texas was entered on January 31, 2006. The Respondents include The Lubrizol Corporation, Occidental Chemical Corporation and Shell Oil Company, on behalf of Deer Park Refining Limited Partnership and Shell Chemical LP. The Respondents have formed the Patrick Bayou Joint Defense Group (JDG) to perform the work.

**A. Summary of Work Performed – December 2008**

The JDG, Project Navigator, and Anchor Environmental (Anchor), completed work on the following tasks:

- Continued evaluation of data from Supplemental RI Work Plan tasks
- Continued evaluation of sediment transport modeling efforts
- Planning for the draft Risk Assessment Work Plan
- Planning and preparation for Technical Workgroup meeting with EPA, TCEQ and NR Trustees on January 8, 2009.

**B. Summary of Agency Communication**

The JDG continued communications with Vicki Reat of TCEQ on her comments on the amended the COPC Report. These comments and response to comments will be formally documented for the project record.

The written communication between the JDG and EPA subsequent to the filing of the AOC is summarized in the attached Table 1.

**C. Summary of Sampling Results**

None this reporting period.

**D. Problems, Delays and Solutions**

None this reporting period.

## **E. Projected Work for Next 2 Reporting Periods – January and February 2009**

The JDG and Anchor expect to complete the following tasks in January and February 2009:

- Attend a Technical Work Group Meeting at the TCEQ offices in Austin, TX on January 8, 2009. The meeting will include an overview of the Risk Assessment work plan and focus on problem formulation.
- Continue preparation of draft Upstream Source Characterization and Evaluation Report and Sediment Transport Modeling Report

## **F. Schedule**

The overall RI/FS project schedule in Gantt chart format was updated in the Final General RI/FS Work Plan. That schedule will serve as the baseline schedule for the RI/FS, with an updated schedule, attached, provided each month.

Prepared by:  
Robert Piniewski  
Project Coordinator

**Table 1**  
**Agency Communication Summary**  
**Patrick Bayou Superfund Site**

<b>JDG Submittal Date</b>	<b>JDG Communication Summary</b>	<b>Response From EPA Date</b>	<b>EPA Communication Summary</b>	<b>Notes</b>
2/24/06	AOC Required Notifications	none	N/A	Identify Project Coordinator and RI/FS Contractor, provide Certificates of Insurance and Anchor Quality Management Plan
2/28/06	Payment of Past Costs	6/12/06	Notice of end of public comment period on cost recovery actions	
3/1/06	Financial Assurance	none	N/A	
4/28/06	Draft Preliminary Site Characterization Report (PSCR)	6/15/06	Agency comments received on Draft PSCR	
6/7/06	Approach to RI/FS Work	6/7/06	EPA approved approach	RI/FS will utilize Adaptive Management and a phased approach
6/27/06	Draft Work Package I Work Plan	7/7/06	EPA approved Work Plan	
8/2/06	Response to Comments on PSCR	9/22/06	EPA approved PSCR	
8/17/06	Draft General RI Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
8/17/06	Draft Work Package 2 Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
9/27/06	Response to Agency Comments on Work Package 2 Work Plan	9/27/06	EPA approval to mobilize for Work Package 2 field work	JDG response to comments focused on field work related comments only
10/26/06	Submittal of Laboratory Qualifications and QA Manual(s)	pending		
10/31/06	Deviations from WP2 Work Plan	pending		Minor deviations that occurred during the recent implementation of Work Package 2
12/14/06	Deviation from WP1 Work Plan	3/1/07	Verbally approved by EPA at Site Status Meeting	Work Package 1 will finalize the list of COPC, a project database and validation of past data that will be carried forward

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**Patrick Bayou Superfund Site**

<b>JDG Submittal Date</b>	<b>JDG Communication Summary</b>	<b>Response From EPA Date</b>	<b>EPA Communication Summary</b>	<b>Notes</b>
1/9/07	Response to Agency Comments on General RI Work Plan and Work Package 2 Work Plan	pending		
1/9/07	Final General RI Work Plan and Work Package 2 Work Plan	pending	Agency comments received February 28, 2007	
2/16/07	Draft WP 1 technical memorandums	pending	Agency comments received March 20-23, 2007	
4/5/07	Submit Work Package 2 Data Report	pending		
1/9/07	Response to Agency Comments on General RI Work Plan and Work Package 2 Work Plan	pending		
1/9/07	Final General RI Work Plan and Work Package 2 Work Plan	pending	Agency comments received February 28, 2007	
2/16/07	Draft WP 1 technical memorandums	3/23/07	Agency comments received March 20-23, 2007	
4/5/07	Submit Work Package 2 Data Report	pending		
4/25/07	Response to second set of regulatory comments on General RI Work Plan and Work Package 2 Work Plan	pending		
5/11/07	Submit Draft Supplemental RI Work Plan	pending	Agency comments received July, 8, 2007	
6/13/07	Submit Response to Comments on Draft WP 1 technical memorandums	pending		
6/13/07	Submit Response to Comments on Supplemental RI Work Plan	6/15/07	EPA approval received July 15, 2007	

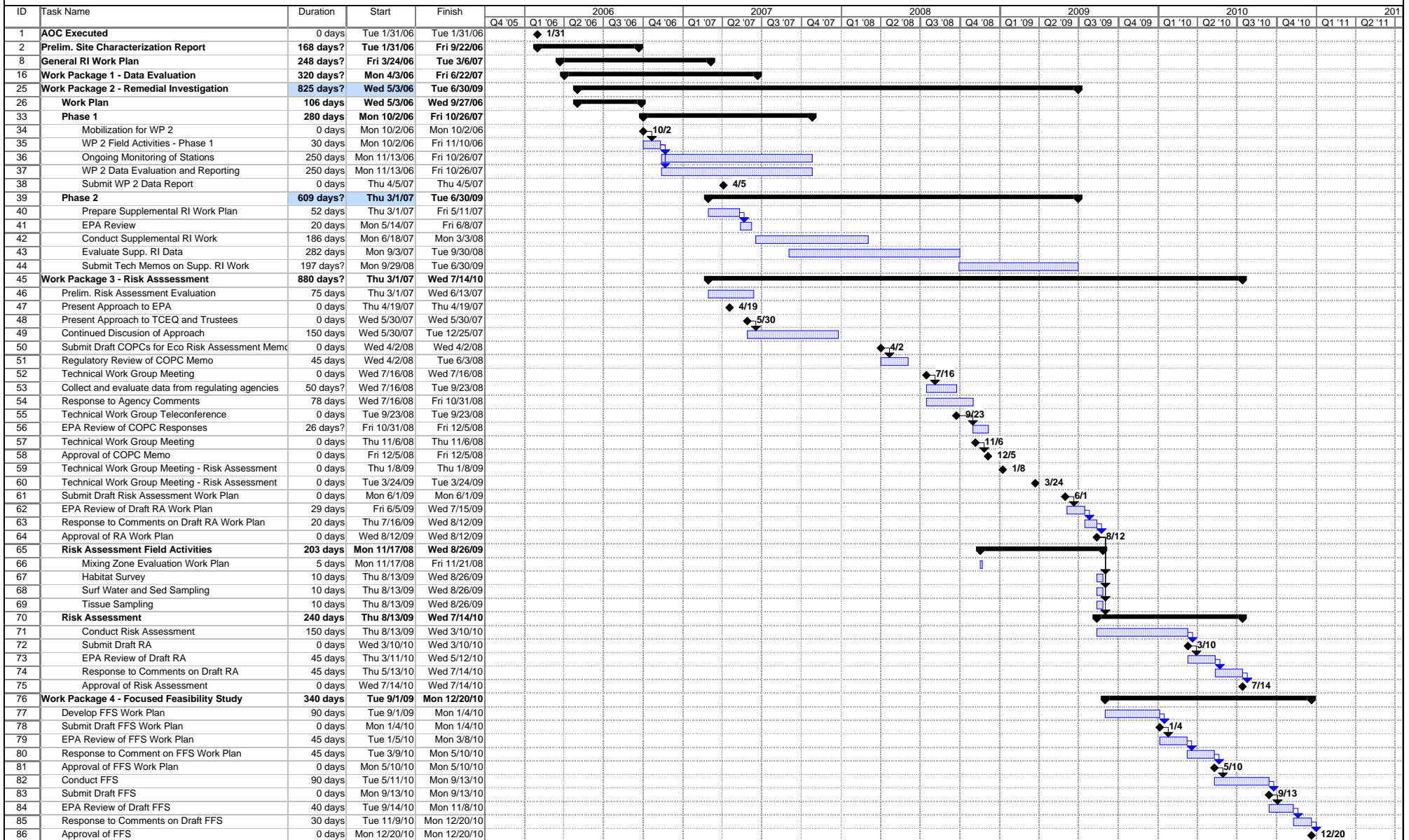


**Table 1**  
**Agency Communication Summary**  
**Patrick Bayou Superfund Site**

<b>JDG Submittal Date</b>	<b>JDG Communication Summary</b>	<b>Response From EPA Date</b>	<b>EPA Communication Summary</b>	<b>Notes</b>
4/2/08	Submit draft Selection of Contaminants of Potential Concern for Ecological Risk Assessment	6/3/08	Agency comments received June 3, 2008	
7/11/08	Draft Response to Comments on COPC Report			
7/24/08	Technical Memo – Sediment Toxicity and COPC Selection			
7/29/08	Agreements and Action Items – July 16, 2008 Tech Group Meeting			
9/23/08	Agreements and Action Items – September 23, 2008 Tech Group Meeting			
10/30/08	Draft Mixing Zone Evaluation Work Plan			
10/30/08	COPC Selection Amendment Report			
11/11/08	Agreements and Action Items – November 6, 2008 Tech Group Meeting			

## Project Schedule

## Patrick Bayou Superfund Site

Patrick Bayou JDG RI/FS

Project: Patrick Bayou  
Date: Thu 1/15/09Task  
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 MilestoneProgress  
Milestone Summary  
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